

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: : Case No. 16-56526
: Chapter 7 (Judge Caldwell)
Fox Mechanical Co. :
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Debtor. :

**SUSAN L. RHIEL, TRUSTEE'S AMENDED AND RESTATED
OMNIBUS OBJECTION TO CLAIMS
(DOC. #84)**

Susan L. Rhiel, Trustee of this estate, hereby submits this amended and restated objection to the claims set forth on Exhibits A and B, attached hereto. The Trustee objects to the claims pursuant to 11 U.S.C. §502, the Federal Rules of Bankruptcy Procedure, and L.B.R. 3007-1.

As required by L.B.R. 3007-1(f), Exhibits A, B, and C identify the following for each claim to which the Trustee objects:

- (1) Name of claimant;
- (2) Claim number;
- (3) Amount;
- (4) Reason for proposed disallowance or, if the objection seeks modification of a claim, the proposed claim amount and the precise reason for the proposed modification;
- (5) If the objection seeks a change in the classification of a claim, the current claim status, proposed claim status and reason for proposed reclassification;
- (6) If the objection seeks to change the priority of a claim, the current priority treatment, proposed priority treatment, and the reason for the proposed change; and

(7) If the objection seeks to expunge an amended, duplicate, or late claim, the number of the amended, duplicate, or late claim to be expunged.

The Objection, with Exhibits A, B, and C will be served upon the Limited Service List and upon each claimant whose claim is subject to objection.

If a claimant fails to respond, then the Trustee will submit a proposed order granting the objection and treating the claimant's claim in accordance with the treatment requested in Exhibits A, B, and C. Pursuant to L.B.R. 3007-1 (d), "[i]f a claimant fails to timely file a response to an objection, the claimant shall be deemed to have waived any objection to the relief sought and the court may grant the requested relief without further notice or a hearing."

WHEREFORE, the Trustee respectfully requests that the Court sustain the objections to the claims set forth on Exhibits A, B, and C for the reasons set forth therein and order that each be treated as requested in such Exhibits.

Respectfully submitted,

LEVINSON LLP

/s/ Jeffrey M. Levinson

Jeffrey M. Levinson (0046746)

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Cleveland, Ohio 44113

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Attorneys for Trustee

EXHIBIT A

Claims Which Are Not Adequately Supported and Which Will Be Allowed in a Reduced Amount or Priority

Name	Claim Number	File Date	Claim Amount	Reason for Objection	Proposed Disposition of Claim
Internal Revenue Service	3	10/14/2016 (amended 10/28/2016)	\$12,551.59	Third quarter return for FUTA was filed	Allow claim as a priority claim in the amount of \$356.69
Eastway Supplies	4	10/17/2016	\$135,396.38	Material that was returned should be credited to the claim	Allow the claim as a general unsecured claim in the amount of \$122,696.00
Integrity Insulation	5	10/19/2016	\$36,288.36	Creditor overbilled for work performed for Medill Elementary School project	Allow the claim as a general unsecured claim in the amount of \$35,958.36
Columbus Heating & Ventilating	24	2/9/2017	\$136,383.10	Change order in the amount of \$47,685.00 is disputed	Allow the claim as a general unsecured claim in the amount of \$85,904.25
Ruscilli Construction Co., Inc.	26	2/10/2017	\$301,498.03	Amounts detailed do not match Debtor's books and records	Allow the claim in a reduced amount to be determined
Ohio Dept. of Taxation	32	3/7/2017	\$12,990.48	CAT return filed reflects liability of \$1,289.00; October 2016 sales tax	Allow \$1,289.00 as a priority claim

				report filed reflects a \$0 balance	
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EXHIBIT B

Duplicative Claims Which Will Be Disallowed

Name	Claim Number	File Date	Claim Amount	Reason for Objection	Proposed Disposition of Claim
DSS Services LLC	8	10/31/2016	\$8,675.00	Duplicative of Claim No. 23	Disallow Claim No. 8

EXHIBIT C

Claims That Will be Disallowed

Name	Claim Number	File Date	Claim Amount	Reason for Objection	Proposed Disposition of Claim
Dunlop & Johnston	31	2/13/2017 (amended 5/30/2017)	\$237,541.53	Claim is excessive. At the time the Debtor was forced to leave the job, only 5% of the work remained to be completed.	Disallow claim
Joseph and Rebecca Fox	27	2/13/2017	Unknown	No amount identified for claim	Disallow claim

**NOTICE OF FILING OF AMENDED AND RESTATED
OMNIBUS OBJECTIONS TO CLAIMS**

Susan L. Rhiel, the Trustee herein, has filed an Amended and Restated Omnibus Objection to claims in this bankruptcy case. **Your claim may be reduced, modified, or eliminated.** You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then, **on or before thirty (30) days from the date of service of this notice**, you or your attorney must file with the court a written response to the objection, explaining your position, at:

U. S. Bankruptcy Court
Clerk's Office
170 North High Street
Columbus, Ohio 43215

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. You must also mail a copy to:

Jeffrey M. Levinson, Esq.
Levinson LLP
55 Public Square, Suite 1510
Cleveland, Ohio 44113

If you or your attorney does not take these steps, the court may decide that you do not oppose the objection to your claim.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served July 27, 2017, by ordinary U. S. mail, postage prepaid, and/or electronic mail, where available, on the parties listed below.

/s/ Jeffrey M. Levinson
Jeffrey M. Levinson

Electronic Mail Notice List

The following is the list of parties who are currently on the list to receive email notice/service for this case.

- Thomas R Allen allen@aksnlaw.com, doan@aksnlaw.com
- Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov

- Edward A Bailey bknoticesouth@reimerlaw.com
- Thomas R Merry tmerry@thomasmerrylaw.com
- Susan L Rhie pleadings@jml-legal.com, oh57@ecfcbis.com; sr@trustesolutions.net
- Maria Mariano Guthrie mguthrie@cpmlaw.com
- Thomas J. Griffith tgriffith@mgplaborlaw.com

Regular mail service:

Central Ohio Power Tool
1042 Dublin Road
Columbus, Ohio 43215

Gordon Flesch Company
2675 Research Park Drive
Fitchburg, WI 53711-4906

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101

Eastway Supplies
c/o Dave Lackey, Esq.
153 S. Liberty Street
Powell, OH 43065

Integrity Insulation, Inc.
c/o Dave Lackey, Esq.
153 S. Liberty Street
Powell, OH 43065

Delille Oxygen Company
c/o Wilma Strickland
852 Marion Road
Columbus, OH 43207

WW Grainger
7300 North Melvina Ave.
MWX22833650641
Niles, IL 60714

DSS Services LLC
643 North James Road
Columbus, OH 43219

Ford Motor Credit Company LLC
P.O. Box 62180

Colorado Springs, CO 80962

Speedway
Attn.: Credit Services
P.O. Box 1590
Springfield, OH 45501

Discount Drainage Supplies
2600 South Arlington Road
Akron, OH 44319

Business System Solutions, Inc.
714 S. Ewing Street
Lancaster, OH 43130

NCI-Nursing Corps.
P.O. Box 2580
Wintersville, OH 43953

Ohio Dept. Job & Family Services
Attn.: Donn Rosenblum
P.O. Box 182404
Columbus, OH 43218-2404

The Olen Corporation
4755 S. High Street
Columbus, Ohio 43207

Pac-Van, Inc.
9155 Harrison Park Ct.
Indianapolis, IN 46216

Miracle Method of Columbus
1575 Integrity Drive E.
Columbus, OH 43209

The Huntington National Bank
c/o Christine Dunlap
2361 Morse Road, NC3W33
Columbus, Ohio 43229

Cellco Partnership dba Verizon Wireless
c/o William Vermette
22001 Loudoun County Parkway
Ashburn, VA 20147

PNC Bank
Business Banking
1900 East 9th Street
Cleveland, OH 44114

Synchrony Bank
c/o PRA Receivables Management, LLC
P.O. Box 41021
Norfolk, VA 23541

DSS Services, LLC
643 North James Road
Columbus, OH 43219

Columbus Heating & Ventilating Company
c/o Douglas Segerman, Esq.
175 S. Third Street
Suite 285
Columbus, OH 43215

Ohio State Plumbers & Pipefitters
H&W Fund
c/o Timothy P. Piatt, Esq.
601 South Main Street
North Canton, OH 44720

Ruscilli Construction Co., Inc.
c/o McDonald Hopkins PLC
Attn.: Joshua Gadharf
39533 Woodward Ave., Suite 318
Bloomfield, MI 48304

Joseph and Rebecca Fox
795 Lambton Cir.
Lancaster, OH 43130

J.L. Fox, Ltd.
Joseph Fox
765 Lambton Circle
Lancaster, OH 43130

Plumbers & Pipefitters National Pension
Fund & ITF
Faulkner, Hoffman & Phillips LLC
20445 Emerald Parkway Drive
Suite 210

Cleveland, OH 44135

Dunlop & Johnson, Inc.
5498 Innovation Drive
Valley City, OH 44280

Frantz Ward LLP
c/o Tim Richard
200 Public Square, Suite 3000
Cleveland, OH 44114
Counsel for Dunlop & Johnson, Inc.

Ohio Department of Taxation
P.O. Box 530
Columbus, OH 43216

Rebecca L. Daum, Esq.
Administrator/Attorney
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